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**FACSIMILE TRANSMITTAL**

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**TO:**

**Name:** Mail Stop AF  
Group Art Unit 3764/Examiner M. Brown

**Firm:** U.S. Patent & Trademark Office

**Fax No.:** 571-273-8300

**Subject:** U.S. Patent Application No. 08/480,461

Gary K. Michelson

Filed: June 7, 1995

**INSTRUMENTATION FOR THE SURGICAL  
CORRECTION OF HUMAN THORACIC AND  
LUMBAR SPINAL DISEASE FROM THE  
LATERAL ASPECT OF THE SPINE**

Attorney Docket No. 102.0010-01000

Customer No. 22882

Confirmation No.: 9274

**FROM:**

**Name:** Amedeo F. Ferraro, Esq.

**Phone No.:** 310-286-9800

**No. of Pages (including this):** 8

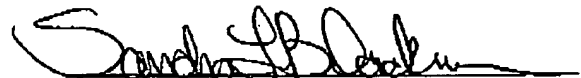
**Date:** June 27, 2006

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**Message:****CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the attached Transmittal Form (in duplicate; \$1,400.00 total amount to cover the \$900 third-month extension fee and \$500 Notice of Appeal fee is to be charged to Deposit Account No. 50-3726), Notice of Appeal, and a Pre-Appeal Brief Request for Review and Form PTO/SB/33 are being facsimile transmitted to the U.S. Patent and Trademark Office on June 27, 2006.

  
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FORM PTO-1083

Attorney Docket No.: 102.0010-01000  
Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary K. Michelson

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For: INSTRUMENTATION FOR THE  
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Confirmation No.: 9274

Art Unit: 3764

Examiner: Michael Brown

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JUN 27 2006

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Further to the Amendment filed in response to the Final Office Action dated December 27, 2005, transmitted herewith is a Notice of Appeal in the above-identified application.

- ☐ No additional fee is required.
- ☒ Applicant hereby requests a third-month extension of time to respond to the above Office Action (noting that a one-month extension fee has previously been paid).
- ☒ A Pre-Appeal Brief Request for Review and Form PTO/SB/33 are enclosed.
- ☒ The total amount of \$1,400.00 to cover the \$900 third-month extension fee and \$500 Appeal fee is to be charged to Deposit Account No. 50-3726.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3726. A copy of this sheet is enclosed.
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,  
MARTIN & FERRARO, LLP

Date: June 27, 2006

By: 

Amedeo F. Ferraro

Registration No. 37,129

1557 Lake O'Pines Street, NE  
Hartville, Ohio 44632  
Telephone: (330) 877-0700  
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Transmittal of Appeal.DOC

FORM PTO-1083

Attorney Docket No.: 102.0010-01000  
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Transmittal of Appeal DOC